

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DANIEL J. GOODSON, III,)
Plaintiff,)
)
vs.) Civil Action No. 03-564
) Judge Gary L. Lancaster
)
CALVIN A. LIGHTFOOT, Warden,)
A.C.J.; JAMES J. DONNIS,)
Major ACJ; RONALD POFI, Capt.)
Internal Affairs ACJ; LOUIS)
LEON, Lt. ACJ; EMMERICK, Dep.)
Warden A.C.J.; JIMMY HONNICK,)
Sgt. ACJ,)
Defendants.)

ORDER

The above captioned case was referred to United States Magistrate Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 44), filed on March 7, 2006, recommended that Defendants' Motion for Summary Judgment (Doc. No. 38) and Plaintiff's Motion for Summary Judgment (Doc. No. 35) both be denied. All parties were served with the Report and Recommendation and were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. The Defendants filed Objections on March 24, 2006 (Doc. No. 46). After review of the

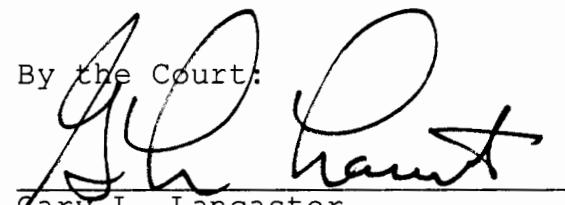
pleadings and Documents in the case, together with the report and recommendation and objections, the following order is entered:

AND NOW, this 31 st day of March, 2006;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (Doc. No. 38) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. No. 35) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 44) of Magistrate Judge Lenihan, dated March 7, 2006, is adopted as the opinion of the Court.

By the Court:

Gary L. Lancaster
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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